

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

UNITED STATES OF AMERICA    DOCKET NO. 2:08CR31  
  )  
  )  
vs.    )  
  )  
PAUL AARON TEFFT,    )  
Defendant.    )

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NOW COMES the United States of America, by and through Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina, to notify the Defendant, pursuant to Rule 404(b) of the Federal Rules of Evidence, of the Government's intent to introduce any and all evidence contained in the open file discovery of other crimes, wrongs, or acts committed by the Defendant admissible under the Rule to prove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, or any other purpose supported by case law.

Evidence of other crimes, wrongs or acts is admissible under Rule 404(b) if offered to establish motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. This Rule is one of inclusion, not exclusion, and all relevant evidence is admissible unless its *sole* probative value is to show the criminal predisposition of the accused.

*United States v. Huddleston*, 485 U.S. 681, 688(1988); *Morgan v. Foretich*, 846 F.2d 941 (4<sup>th</sup> Cir. 1988); *United States v. Masters*, 622 F.2d 83 (4<sup>th</sup> Cir. 1980).

Specific evidence that the Government contends may be admissible under this Rule may include (but is not necessarily limited to) the following:

1.     Evidence concerning Defendant's prior contacts with another allegedly 14 year old female from Wisconsin of an allegedly sexual nature. The North Carolina State Bureau of Investigation issued a cyber tip concerning these

activities on or about July 1, 2008.

Pursuant to the Government's open file discovery policy, any additional evidence admissible under Rule 404(b) that comes to light shall be made available to the Defendant as soon as it comes available.

RESPECTFULLY SUBMITTED, this the 15<sup>th</sup> day of January, 2009.

GRETCHEN C. F. SHAPPERT  
UNITED STATES ATTORNEY

/s Don Gast

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DON GAST  
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**CERTIFICATE OF SERVICE**

The foregoing document was filed electronically via ECF and was served on counsel for the Defendant via ECF. The email address for defense counsel is listed in ECF as follows:

Jason R. Hayes                    jasonrhayes@mchsi.com

This the 15<sup>th</sup> day of January, 2009.

GRETCHEN C. F. SHAPPERT  
UNITED STATES ATTORNEY

/s Don Gast

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